

Calendar No. 771

108TH CONGRESS
2D SESSION**H. R. 2608****[Report No. 108–385]**

IN THE SENATE OF THE UNITED STATES

OCTOBER 2, 2003

Received; read twice and referred to the Committee on Commerce, Science,
and Transportation

OCTOBER 5, 2004

Reported by Mr. MCCAIN, without amendment

AN ACTTo reauthorize the National Earthquake Hazards Reduction
Program, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Earthquake
5 Hazards Reduction Program Reauthorization Act of
6 2003”.

1 **SEC. 2. DEFINITIONS.**

2 Section 4 of the Earthquake Hazards Reduction Act
3 of 1977 (42 U.S.C. 7701 et seq.) is amended by adding
4 at the end the following new paragraphs:

5 “(8) The term ‘Interagency Coordinating Com-
6 mittee’ means the Interagency Coordinating Com-
7 mittee on Earthquake Hazards Reduction estab-
8 lished under section 5(a).

9 “(9) The term ‘Advisory Committee’ means the
10 Advisory Committee established under section
11 5(a)(5).”.

12 **SEC. 3. NATIONAL EARTHQUAKE HAZARDS REDUCTION**
13 **PROGRAM.**

14 Section 5 of the Earthquake Hazards Reduction Act
15 of 1977 (42 U.S.C. 7704(b)) is amended—

16 (1) by amending subsection (a) to read as fol-
17 lows:

18 “(a) ESTABLISHMENT.—

19 “(1) IN GENERAL.—There is established the
20 National Earthquake Hazards Reduction Program.

21 “(2) PROGRAM ACTIVITIES.—The activities of
22 the Program shall be designed to—

23 “(A) develop effective measures for earth-
24 quake hazards reduction;

25 “(B) promote the adoption of earthquake
26 hazards reduction measures by Federal, State,

1 and local governments, national standards and
2 model code organizations, architects and engi-
3 neers, building owners, and others with a role
4 in planning and constructing buildings, struc-
5 tures, and lifelines through—

6 “(i) grants, contracts, cooperative
7 agreements, and technical assistance;

8 “(ii) development of standards, guide-
9 lines, and voluntary consensus codes for
10 earthquake hazards reduction for build-
11 ings, structures, and lifelines; and

12 “(iii) development and maintenance of
13 a repository of information, including tech-
14 nical data, on seismic risk and hazards re-
15 duction; and

16 “(C) improve the understanding of earth-
17 quakes and their effects on communities, build-
18 ings, structures, and lifelines, through inter-
19 disciplinary research that involves engineering,
20 natural sciences, and social, economic, and deci-
21 sions sciences.

22 “(3) INTERAGENCY COORDINATING COMMITTEE
23 ON EARTHQUAKE HAZARDS REDUCTION.—

24 “(A) IN GENERAL.—There is established
25 an Interagency Coordinating Committee on

1 Earthquake Hazards Reduction chaired by the
2 Director of the National Institute of Standards
3 and Technology (referred to in this subsection
4 as the ‘Director’).

5 “(B) MEMBERSHIP.—The committee shall
6 be composed of the directors of—

7 “(i) the Federal Emergency Manage-
8 ment Agency;

9 “(ii) the United States Geological
10 Survey;

11 “(iii) the National Science Founda-
12 tion;

13 “(iv) the Office of Science and Tech-
14 nology Policy; and

15 “(v) the Office of Management and
16 Budget.

17 “(C) MEETINGS.—The Committee shall
18 meet not less than 3 times a year at the call of
19 the Director.

20 “(D) PURPOSE AND DUTIES.—The Inter-
21 agency Coordinating Committee shall oversee
22 the planning, management, and coordination of
23 the Program. The Interagency Coordinating
24 Committee shall—

1 “(i) develop, not later than 6 months
2 after the date of enactment of this Act,
3 and update periodically—

4 “(I) a strategic plan that estab-
5 lishes goals and priorities for the Pro-
6 gram activities described under sub-
7 section (a)(2); and

8 “(II) a detailed management plan
9 to implement such strategic plan; and

10 “(ii) develop a coordinated inter-
11 agency budget for the Program that will
12 ensure appropriate balance among the Pro-
13 gram activities described under subsection
14 (a)(2), and submit such budget to the Di-
15 rector of the Office of Management and
16 Budget at the time designated by that of-
17 fice for agencies to submit annual budgets.

18 “(4) ANNUAL REPORT.—The Interagency Co-
19 ordinating Committee shall transmit, at the time of
20 the President’s budget request to Congress, an an-
21 nual report to the Committee on Science and the
22 Committee on Resources of the House of Represent-
23 atives, and the Committee on Commerce, Science,
24 and Transportation of the Senate. Such report shall
25 include—

1 “(A) the Program budget for the current
2 fiscal year for each agency that participates in
3 the Program, and for each major goal estab-
4 lished for the Program activities under subpara-
5 graph (3)(A);

6 “(B) the proposed Program budget for the
7 next fiscal year for each agency that partici-
8 pates in the Program, and for each major goal
9 established for the Program activities under
10 subparagraph (3)(A);

11 “(C) a description of the activities and re-
12 sults of the Program during the previous year,
13 including an assessment of the effectiveness of
14 the Program in furthering the goals established
15 in the strategic plan under (3)(A);

16 “(D) a description of the extent to which
17 the Program has incorporated the recommenda-
18 tions of the Advisory Committee;

19 “(E) a description of activities, including
20 budgets for the current fiscal year and proposed
21 budgets for the next fiscal year, that are carried
22 out by Program agencies and contribute to the
23 Program, but are not included in the Program;
24 and

1 “(F) a description of the activities, includ-
2 ing budgets for the current fiscal year and pro-
3 posed budgets for the following fiscal year, re-
4 lated to the grant program carried out under
5 subsection (b)(2)(A)(i).

6 “(5) ADVISORY COMMITTEE.—

7 “(A) IN GENERAL.—The Director shall es-
8 tablish an Advisory Committee on Earthquake
9 Hazards Reduction consisting of non-Federal
10 members, including representatives of research
11 and academic institutions, industry standards
12 development organizations, State and local gov-
13 ernment, and financial communities who are
14 qualified to provide advice on earthquake haz-
15 ards reduction. The recommendations of the
16 Advisory Committee shall be considered by Fed-
17 eral agencies in implementing the Program.

18 “(B) ASSESSMENT.—The Advisory Com-
19 mittee shall assess—

20 “(i) trends and developments in the
21 science and engineering of earthquake haz-
22 ards reduction;

23 “(ii) effectiveness of the Program in
24 carrying out the activities under (a)(2);

1 “(iii) the need to revise the Program;

2 and

3 “(iv) the management, coordination,
4 implementation, and activities of the Pro-
5 gram.

6 “(C) REPORT.—Not later than 1 year
7 after the date of enactment of this Act and at
8 least once every 2 years thereafter, the Advisory
9 Committee shall report to the Director on its
10 findings of the assessment carried out under
11 subparagraph (B) and its recommendations for
12 ways to improve the Program. In developing
13 recommendations, the Committee shall consider
14 the recommendations of the United States Geo-
15 logical Survey Scientific Earthquake Studies
16 Advisory Committee.

17 “(D) FEDERAL ADVISORY COMMITTEE ACT
18 APPLICATION.—Section 14 of the Federal Advi-
19 sory Committee Act (5 App. U.S.C. 14) shall
20 not apply to the Advisory Committee.”;

21 (2) in subsection (b)—

22 (A) in paragraph (1)—

23 (i) by striking “Federal Emergency
24 Management Agency” and all that follows
25 through “of the Agency” and inserting

1 “National Institute of Standards and
2 Technology shall have the primary respon-
3 sibility for planning and coordinating the
4 Program. In carrying out this paragraph,
5 the Director of the Institute”;

6 (ii) by striking subparagraphs (B) and
7 (C) and redesignating subparagraphs (D)
8 and (E) as subparagraphs (C) and (D), re-
9 spectively;

10 (iii) by inserting after subparagraph
11 (A) the following:

12 “(B) support the development of perform-
13 ance-based seismic engineering tools, and work
14 with appropriate groups to promote the com-
15 mercial application of such tools, through earth-
16 quake-related building codes, standards, and
17 construction practices;”;

18 (iv) by striking “The principal official
19 carrying out the responsibilities described
20 in this paragraph shall be at a level no
21 lower than that of Associate Director.”;
22 and

23 (v) in subparagraph (D), as redesign-
24 nated by clause (ii), by striking “National
25 Science Foundation, the National Insti-

1 tutes of Standards and Technology” and
2 inserting “Federal Emergency Manage-
3 ment Agency, the National Science Foun-
4 dation”;

5 (B) in paragraph (2)(A)—

6 (i) by striking “In addition to the
7 lead” and all that follows through “Agen-
8 cy” and inserting “The Director of the
9 Federal Emergency Management Agency
10 (in this Act referred to as the ‘Agency’)”;
11 and

12 (ii) by amending clause (iii) to read as
13 follows:

14 “(iii) assist the National Institute of
15 Standards and Technology, other Federal
16 agencies, and private sector groups in the
17 preparation and wide dissemination of
18 building codes and practices for structures
19 and lifelines, and aid in the development of
20 performance based codes for buildings,
21 structures, and lifelines that are cost effec-
22 tive and affordable;”;

23 (C) in paragraph (3)—

24 (i) by inserting “and other activities”
25 after “shall conduct research”;

1 (ii) in subparagraphs (C) and (D), by
2 striking “the Agency” both places it ap-
3 pears and inserting “the Director of the
4 Federal Emergency Management Agency
5 and the Director of the National Institute
6 of Standards and Technology”;

7 (iii) in subparagraph (E), by striking
8 “establish, using existing facilities, a Cen-
9 ter for the International Exchange of
10 Earthquake Information” and inserting
11 “operate, using the National Earthquake
12 Information Center, a forum for the inter-
13 national exchange of earthquake informa-
14 tion”;

15 (iv) in subparagraph (F), by striking
16 “Network” and inserting “System”; and

17 (v) by inserting after subparagraph
18 (H) the following new subparagraphs:

19 “(I) work with other Program agencies to
20 coordinate Program activities with similar
21 earthquake hazards reduction efforts in other
22 countries, to ensure that the Program benefits
23 from relevant information and advances in
24 those countries; and

“(J) maintain suitable seismic hazard maps in support of building codes for structures and lifelines, including additional maps needed for performance based design approaches.”;

(D) in paragraph (4)—

(i) by redesignating subparagraphs (D), (E), and (F) as subparagraphs (E), (F), and (H), respectively;

(ii) by inserting after subparagraph (C) the following:

“(D) support research that improves the safety and performance of buildings, structures, and lifeline systems using large-scale experimental and computational facilities;”;

(iii) in subparagraph (F) (as so redesignated), by striking “; and” and inserting a semicolon; and

(iv) by inserting after subparagraph (F) (as so redesignated) the following:

“(G) include to the maximum extent practicable diverse institutions, including Historically Black Colleges and Universities and those serving large proportions of Hispanics, Native Americans, Asian-Pacific Americans, and other underrepresented populations; and”; and

1 (E) in paragraph (5), by striking “The
2 National” and inserting “In addition to the
3 lead agency responsibilities described under
4 paragraph (1), the National”; and
5 (3) in subsection (c)(1), by striking “Agency”
6 and inserting “Interagency Coordinating Com-
7 mittee”.

8 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

9 (a) Section 12 of the Earthquake Hazards Reduction
10 Act of 1977 (42 U.S.C. 7706) is amended—

11 (1) in subsection (a), by adding after paragraph
12 (7) the following new paragraph:

13 “(8) There are authorized to be appropriated to the
14 Federal Emergency Management Agency for carrying out
15 this Act \$19,000,000 for fiscal year 2004; \$21,000,000
16 for fiscal year 2005; and \$23,000,000 for fiscal year 2006.
17 Of such amounts appropriated, not less than \$3,000,000
18 shall be made available each such fiscal year for sup-
19 porting the development of performance-based, cost-effec-
20 tive, and affordable codes for buildings, structures, and
21 lifelines.”;

22 (2) in subsection (b), by adding at the end the
23 following: “There are authorized to be appropriated
24 to the United States Geological Survey for carrying
25 out this Act \$80,000,000 for fiscal year 2004, of

1 which not less than \$30,000,000 shall be made avail-
2 able for completion of the Advanced National Seismic
3 Research and Monitoring System established under
4 section 13; \$83,500,000 for fiscal year 2005, of which
5 not less than \$30,000,000 shall be made available for
6 completion of the Advanced National Seismic Re-
7 search and Monitoring System established under sec-
8 tion 13; \$93,000,000 for fiscal year 2006, of which
9 not less than \$36,000,000 shall be made available for
10 completion of the Advanced National Seismic Re-
11 search and Monitoring System established under sec-
12 tion 13; such sums as may be necessary for fiscal
13 year 2007, of which not less than \$36,000,000 shall
14 be made available for completion of the Advanced Na-
15 tional Seismic Research and Monitoring System es-
16 tablished under section 13; and such sums as may
17 be necessary for fiscal year 2008, of which not less
18 than \$36,000,000 shall be made available for comple-
19 tion of the Advanced National Seismic Research and
20 Monitoring System established under section 13.”;

21 (3) in subsection (c), by adding at the end the
22 following: “There are authorized to be appropriated
23 to the National Science Foundation for carrying out
24 this Act \$39,000,000 for fiscal year 2004;

1 \$44,000,000 for fiscal year 2005; and \$47,500,000
2 for fiscal year 2006.”; and

3 (4) in subsection (d) by adding at the end the
4 following: “There are authorized to be appropriated
5 to the National Institute of Standards and Tech-
6 nology for carrying out this Act \$8,000,000 for fis-
7 cal year 2004; \$9,600,000 for fiscal year 2005; and
8 \$12,500,000 for fiscal year 2006. Of such amounts
9 appropriated, not less than \$2,000,000 shall be
10 made available each such fiscal year for supporting
11 the development of performance-based, cost-effective,
12 and affordable codes for buildings, structures, and
13 lifelines.”.

14 (b) Section 13 of the Earthquake Hazards Reduction
15 Act of 1977 (42 U.S.C. 7707) is amended by striking sub-
16 section (c).

17 (c) Section 14(b) of the Earthquake Hazards Reduc-
18 tion Act of 1977 (42 U.S.C. 7708(b)) is amended—

19 (1) in paragraph (3) by striking “and” at the
20 end; and

21 (2) by striking paragraph (4) and inserting the
22 following:

23 “(4) \$8,000,000 for fiscal year 2004;

1 “(5) \$20,000,000 for fiscal year 2005, all
2 of which shall be available for operations and
3 maintenance; and

4 “(6) \$20,000,000 for fiscal year 2006, all
5 of which shall be available for operations and
6 maintenance.”.

Calendar No. 771

108TH CONGRESS
2D Session

H. R. 2608

[Report No. 108-385]

AN ACT

To reauthorize the National Earthquake Hazards
Reduction Program, and for other purposes.

OCTOBER 5, 2004

Reported without amendment